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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NOORULLAH KHAN,

Plaintiff,

v.

JONATHAN SCHARFEN,¹
Acting Director, United States Citizenship
and Immigration Services,

Defendant.

No. 08-cv-1679 (MMC)

**JOINT REQUEST TO BE EXEMPT
FROM FORMAL ADR PROCESS;
PROPOSED ORDER**

Each of the undersigned certifies that he or she has read either the handbook entitled "Dispute Resolution Procedures in the Northern District of California," or the specified portions of the ADR Unit's Internet site <www.adr.cand.uscourts.gov>, discussed the available dispute resolution options provided by the court and private entities, and considered whether this case might benefit from any of them.

Here, the parties agree that referral to a formal ADR process will not be beneficial because this mandamus action is limited to plaintiff's request that this Court compel defendants to adjudicate the application for adjustment of status. Given the substance of the action and the

¹ Dr. Emilio Gonzalez resigned as Director, United States Citizenship and Immigration Services, effective April 18, 2008. Jonathan Scharfen, Acting Director, is automatically substituted as a party for Dr. Gonzalez. See Fed. R. Civ. P. 25(d).

1 lack of any potential middle ground, ADR will only serve to multiply the proceedings and
2 unnecessarily tax court resources.

3 Accordingly, pursuant to ADR L.R. 3-3(c), the parties request the case be
4 removed from the ADR Multi-Option Program and that they be excused from participating in the
5 ADR phone conference and any further formal ADR process.

6 Date: June 3, 2008

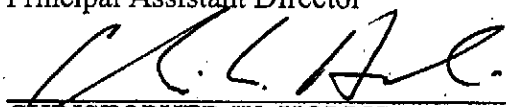
Respectfully submitted,

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13 By:


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18 Dated: June 3, 2008



JONATHAN M. KAUFMAN
Attorney for Plaintiff

20 **ORDER**

21 Pursuant to stipulation and to ADR L. R. 3-3(c), the parties are hereby removed from the
22 ADR Multi-Option Program and are excused from participating in the ADR phone conference
23 and any further formal ADR process.

24 **SO ORDERED.**

25 Dated this 4th day of June, 2008


MAKINE M. CHESNEY
United States District Judge